

REMARKS

Claims 1 and 34 have been amended. New claims 39 and 40 have been added. Accordingly, claims 1, 2, 4, 6, 8, 9 and 34-40 are pending in this application.

35 U.S.C. §112

The claims have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants traverse the rejection for the reasons of record in the Amendment filed March 1, 2004. Further, Applicants address the Response to Argument Section directed to the § 112, first paragraph rejection on pages 6-7 of the Office Action of April 22, 2004 as follows.

The Examiner explains that the citation of page 6, lines 27-30 of the present specification, page 1 of the specification and the description of Fig. 2 is inadequate to support Applicant's argument that the application discloses an antenna including a discoidal electrode to which UHF is applied, an earth electrode and a dielectric plate provided between the discoidal electrode and the earth electrode. The Examiner specifically disagrees that one of ordinary skill in

the art will realize that the electrode 1 of Fig. 2, which is shown to be grounded, would be the same as the electrode 1 of Fig. 1, which is not specifically shown to be grounded. The Examiner reaches this conclusion because the disclosure does not specifically state that the electrodes 1 of Figs. 1 and 2 are the same, even though the same reference number is used for each element.

In response, Applicants point out that the reference numbers used in Fig. 2 are not taken from the prior art, but rather were assigned by the inventors arbitrarily. That is, Fig. 2 of the present application is not a reproduction of a figure taken from the prior art reference JP 8-337887. Fig. 2 of the present application is drawn in accordance with the understanding of the '887 reference by the inventors. Accordingly, the designation of the reference numbers 1, 2 and 3 as used in Figure 2 would be used for the like elements in the remainder of the figures since these reference numbers have been designated by the inventors.

Applicants also point out that the disclosure of the Yokogawa et al reference is incorporated by reference in the present application. See, page 2, line 26 of the

specification, mentioning the family equivalent, US Patent No. 5,891,252. Accordingly, Fig. 2 of the present application and Fig. 1 of the Yokogawa et al US Patent, which is incorporated in the present application, both show a grounded electrode comparable to that claimed. Therefore, the disclosure of the application establishes that one having ordinary skill in the art would realize that the disclosure of the electrode 1 of Fig. 1 in the present application is that of a grounded electrode. which provides support for the claimed earth electrode. Withdrawal of the 35 USC § 112 rejection is therefore respectfully requested.

**35 U.S.C. §103**

Claims 1, 2, 4, 6, 8 and 34-36 stand rejected under 35 U.S.C. §103 as being unpatentable over Yokogawa et al; and claims 9, 37 and 38 stand rejected under §103 as being unpatentable over Yokogawa et al in view of Nakano et al. These rejections are traversed for the reasons of record in the Amendment filed March 1, 2004. Further, Applicants address the Response to Argument Section directed to the § 103

rejection on pages 6-7 of the Office Action of April 22, 2004 as follows.

With respect to the limitation of the diameter of the discoidal electrode being not less than that of the wafer, the Examiner takes the position this a method limitation. Without acquiescing to the rejection, Applicants have amended claims 1 and 34 to avoid an interpretation that the limitation is a method limitation. Accordingly, the claims have been amended to state that the sample holder is designated to hold a wafer with a predetermined diameter. Yokogawa et al. does not disclose that the diameter of the sample holder is less than that of the discoidal electrode, as in the present invention. Accordingly, the 35 USC § 103 rejection should be withdrawn.

**REQUEST FOR INTERVIEW**

Applicants request an interview with the Examiner to discuss the outstanding rejections in order to expedite prosecution of the present application.

**CONCLUSION**

Entry of the foregoing amendments and allowance of the application is respectfully requested.

Respectfully submitted,



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on Sept. 22 2004, by John Mattingly